IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 12109 of 1994

Between:

M. Kamalakar S/o. Tyagaraju
Telephone Exchange, Nizamabad, Nizamabad District.

..... PETITIONER

AND

1 Joint Collector and Additional District Magistrate, Nizamabad,
Nizamabad District.
2 District Engineer, Telecom., Nizamabad.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ more in the nature of Writ of certiorari, calling for the records relating to the proceedings of the 1st respondent Joint Collector and Additional District Magistrate, Nizamabad under R.C.No: D6/8636/91, dt. 26.5.94 and quash the same and issue a consequential direction to the 2nd Respondent restraining him from initiating any action against the petitioner basing on the proceedings of the 1st respondent.

Counsel for the Petitioner: MR.CH.SAMSON BABU

Counsel for the Respondents: G.P. for Revenue.

The Court made the following :

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ORDER:

Heard both sides.

Having regard to the fact that the petitioner is seeking to assail the impugned orders dated 26.05.1994 in regard to the cancellation of certificate, as per Section 7(2) of the Andhra Pradesh (SC, ST & BCs.) Regulation of Issue of Community Certificates Act, 1993 and Rules 1997, the regular appeal is provided for and therefore there is an alternative remedy available to him. In view of the same, the learned counsel for the petitioner seeks to avail the same.

The writ petition is accordingly dismissed as not maintainable with liberty to the petitioner to file an appeal within a period of four weeks from today before the said appellate authority and the said appellate authority shall dispose of the same on merits in accordance with law after giving notice to both the parties. It is needless to mention that the interim stay granted pending this writ petition shall continue to remain in operation till the pendency of the appeal.

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B. PRAKASH RAO, J

3rd February 2005.

Chvn.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER.

To

1 Joint Collector and Additional District Magistrate, Nizamabad, Nizamabad District.
2 District Engineer, Telecom., Nizamabad.

3 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).

4 Two C.D. copies.